

WORKING DRAFT

February Session, 2016

Proposed Substitute Bill No. 5303

LCO No. 2859

AN ACT CONCERNING CHILDHOOD OBESITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Child care center" has the same meaning as provided in section
4 19a-77 of the general statutes.

5 (2) "Group child care home" has the same meaning as provided in
6 section 19a-77 of the general statutes.

7 (3) "Early childhood center" means any child care facility or early
8 childhood learning program located in or associated with a local or
9 regional board of education.

10 (b) No child care center, group child care home or early childhood
11 center may provide beverages with added sweeteners, whether
12 artificial or natural, to children under the care of such center or home,
13 except that milk, flavored milk drinks, yogurt drinks and nondairy
14 milk drinks may be provided to children under the care of such center
15 or home.

16 (c) No child care center, group child care home or early childhood
17 center may provide juice to any child under the age of one year in the

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18 care of such center or home. A child care center, group child care home
19 or early childhood center may provide juice to children one year of age
20 or older in the care of such center or home, provided the juice is one
21 hundred per cent fruit juice, vegetable juice or combination of such
22 juices, and contains no added sugars, sweeteners or artificial
23 sweeteners.

24 (d) The provisions of subsections (b) and (c) of this section shall not
25 apply to a child care center, group child care home or early childhood
26 center that provides a beverage to a child in the care of such center or
27 home if such center or home has received such beverage from the
28 parent or guardian of such child.

29 (e) Each child care center, group child care home and early
30 childhood center shall make potable drinking water available and
31 easily accessible to children in the care of such center or home
32 throughout the day, including at all meals.

33 Sec. 2. Section 10-203a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2016*):

35 (a) Not later than January 1, 2007, the Department of Education shall
36 (1) develop guidelines for addressing the physical health needs of
37 students in a comprehensive manner that coordinates services,
38 including services provided by municipal parks and recreation
39 departments, and (2) make available to each local and regional board
40 of education a copy of the guidelines. The department shall develop
41 the guidelines after consultation with (A) the chairpersons and ranking
42 members of [(i)] the joint standing [committee] committees of the
43 General Assembly having cognizance of matters relating to education
44 [, and (ii) the select committee of the General Assembly having
45 cognizance of matters relating to] and children, (B) at least one state-
46 wide nonprofit organization with expertise in child wellness or
47 physical exercise, and (C) the Connecticut Recreation and Parks
48 Association. The guidelines shall not be deemed to be regulations, as
49 defined in section 4-166. Local and regional boards of education may

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50 establish and implement plans based on the guidelines in accordance
51 with subsection (c) of this section.

52 (b) The guidelines shall include, but need not be limited to: (1) Plans
53 for engaging students in daily physical exercise during regular school
54 hours and strategies for engaging students in daily physical exercise
55 before and after regular school hours in coordination with municipal
56 parks and recreation departments, (2) strategies for coordinating
57 school-based health education, programs and services, (3) procedures
58 for assessing the need for community-based services such as services
59 provided by school-based health clinics, municipal parks and
60 recreation departments, family resource centers and after-school
61 programs, and (4) procedures for maximizing monetary and other
62 resources from local, state and federal sources to address the physical
63 health needs of students. On and after April 1, 2017, such guidelines
64 shall include strategies for engaging students enrolled in after-school
65 programs in a minimum of twenty consecutive minutes of physical
66 activity each day.

67 (c) Not later than April 1, 2007, each local and regional board of
68 education may (1) establish a comprehensive and coordinated plan to
69 address the physical health needs of students, and (2) base its plan on
70 the guidelines developed pursuant to subsection (a) of this section. The
71 board may implement such plan for the 2007-2008 school year and
72 may have a plan in place for each school year thereafter.

73 Sec. 3. Section 10-221o of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2016*):

75 (a) Each local and regional board of education shall require each
76 school under its jurisdiction to (1) offer all full day students a daily
77 lunch period of not less than twenty minutes, and (2) include in the
78 regular school day for each student enrolled in [elementary school]
79 preschool through fifth grade time devoted to physical exercise of not
80 less than twenty consecutive minutes in total, except that a planning
81 and placement team may develop a different schedule for a child

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82 requiring special education and related services in accordance with
83 chapter 164 and the Individuals With Disabilities Education Act, 20
84 USC 1400 et seq., as amended from time to time. In the event of a
85 conflict with this section and any provision of chapter 164, such other
86 provision of chapter 164 shall be deemed controlling.

87 (b) (1) Not later than October 1, 2013, each local and regional board
88 of education shall adopt a policy, as the board deems appropriate,
89 concerning the issue regarding any school employee being involved in
90 preventing a student from participating in the entire time devoted to
91 physical exercise in the regular school day, pursuant to subsection (a)
92 of this section, as a form of discipline. For purposes of this section,
93 "school employee" means [(1)] (A) a teacher, substitute teacher, school
94 administrator, school superintendent, guidance counselor,
95 psychologist, social worker, nurse, physician, school paraprofessional
96 or coach employed by a local or regional board of education or
97 working in a public elementary, middle or high school; or [(2)] (B) any
98 other individual who, in the performance of his or her duties, has
99 regular contact with students and who provides services to or on
100 behalf of students enrolled in a public elementary, middle or high
101 school, pursuant to a contract with the local or regional board of
102 education.

103 (2) Not later than January 1, 2017, the governing council of each
104 local and state charter school shall adopt a policy concerning school
105 employees being involved in preventing a student from participating
106 in the entire time devoted to physical exercise in the regular school
107 day, pursuant to subsection (a) of this section, as a form of discipline.
108 The policy adopted pursuant to this subdivision shall only apply to
109 school employees employed by a local or state charter school.

110 Sec. 4. Section 10-221u of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2016*):

112 (a) Not later than October 1, 2013, each local and regional board of
113 education shall adopt a policy, as the board deems appropriate,

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114 concerning the issue regarding any school employee being involved in
115 requiring any student enrolled in grades kindergarten to twelve,
116 inclusive, to engage in physical activity as a form of discipline during
117 the regular school day. For purposes of this section, "school employee"
118 means (1) a teacher, substitute teacher, school administrator, school
119 superintendent, guidance counselor, psychologist, social worker,
120 nurse, physician, school paraprofessional or coach employed by a local
121 or regional board of education or working in a public elementary,
122 middle or high school; or (2) any other individual who, in the
123 performance of his or her duties, has regular contact with students and
124 who provides services to or on behalf of students enrolled in a public
125 elementary, middle or high school, pursuant to a contract with the
126 local or regional board of education.

127 (b) Not later than January 1, 2017, the governing council of each
128 local and state charter school shall adopt a policy concerning school
129 employees being involved in requiring any student enrolled in
130 kindergarten through twelfth grade to engage in physical activity as a
131 form of discipline during the regular school day. The policy adopted
132 pursuant to this subsection shall only apply to school employees
133 employed by a local or state charter school.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	10-203a
Sec. 3	<i>October 1, 2016</i>	10-221o
Sec. 4	<i>October 1, 2016</i>	10-221u